

**STATEMENT OF  
ACTING CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100

On September 11th, it is now ritual. We remember the attacks that drew us together as a nation. We come together in the shared sorrow of nearly 3,000 lives lost. And we honor the heroism of so many first responders who ran toward danger and saved the lives of many more.

It is hard to believe it has now been two decades since that fateful day. We've learned a lot in the intervening years about strength and resilience and about public safety—and what kind of support they need to do their jobs.

So I believe it is appropriate that in September the Federal Communications Commission turns its attention to first responders and asks how we can ensure our rules and policies help those who help us in danger. That starts with communications—making sure public safety has the networks they need to respond when the unthinkable occurs.

Today we commit to public safety opportunities in the 4.9 GHz band. Last year, in a decision I believe was misguided, the FCC gave state authorities the right to remove public safety from these airwaves and pursue revenue opportunities with this spectrum. From front to back, this decision lacked support in the record. I believe three things were fundamentally wrong with it.

First, by breaking the 4.9 GHz band into a patchwork of state leases, it reversed two decades of work to increase interoperability for first responder communications in response to the events of September 11th.

Second, by fragmenting the 4.9 GHz band at the state level it reduced the likelihood we would have consistent and reliable information about what spectrum is available and how it is being used.

Third, by pulling back the 4.9 GHz band at a time when we are facing a devastating pandemic, raging wildfires, seasonal hurricanes, and increased use of communications across the board, it denied public safety networks opportunities to grow.

To be clear, there is room for improving public safety use of the 4.9 GHz band. But taken together, these three problems demonstrate that the FCC's earlier decision is not the right way to go.

So we are vacating these earlier rules. In addition, we are kicking off a new rulemaking to think big about the future of the 4.9 GHz band—with public safety fully in mind. For starters, we ask how we can advance their access to the latest technologies, like 5G. But we've got new ideas to make it happen. To this end, we seek comment on expanding priority and preemption for public safety users, excess capacity leasing, and shared access models like the Citizens Broadband Radio Service. I'm convinced there are creative opportunities for this spectrum that will help us expand our 5G future and bring public safety communications along, too.

Thank you to all of my colleagues for their input in this effort. Thank you also to Ken Carlberg, Steven Carpenter, Rochelle Cohen, Tom Eng, John Evanoff, Lisa Fowlkes, David Furth, Charlene Collazo Goldfield, Ryan Hedgpeth, William Kang, Debra Jordan, Brian Marengo, Nicole McGinnis, Saswat Misra, Roberto Mussenden, Erika Olsen, Austin Randazzo, Rasoul Safavian, Tracy Simmons, and Zenji Nakazawa from the Public Safety and Homeland Security Bureau; Jon Markman, Charles Mathias, Roger Noel, Halie Peacher, Paul Powell, Catherine Schroeder, and Joel Taubenblatt from the Wireless Telecommunications Bureau; Jeremy Marcus, Raphael Sznajder, and Ashley Tyson from the Enforcement Bureau; Justin Faulb from the Wireline Competition Bureau; Maura McGowan and Chana

Wilkerson from the Office of Communications Business Opportunities; Jonathan Campbell, William Huber, Evan Kwerel, Paul LaFontaine, Kate Matraves, Gary Michaels, Erik Salovaara, Deena Shetler, Martha Stancil, Donald Stockdale, and Emily Talaga from the Office of Economics and Analytics; and David Horowitz, Douglas Klein, and William Richardson from the Office of General Counsel.